



SF 407 – Motor Vehicle Driver, Texting as Primary Offense (LSB1212SV)
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Fiscal Note Version – New

Description

Senate File 407 expands Iowa Code section [321.276](#) to prohibit a driver from using any electronic communication device while operating a motor vehicle, unless the motor vehicle is at a complete stop off the traveled portion of the road or the driver is using the device in a hands-free mode. The Bill changes operating an electronic communication device while driving from a secondary offense to a primary offense. Senate File 407 allows a law enforcement officer to pull over a driver exclusively for violation of this provision. A person found in violation of this statute is subject to a scheduled fine of \$30.

Additional provisions:

- Violations under the proposed Bill will be considered a moving violation. Under Iowa Code section [321.555](#), six or more of the same violation within a two-year period may result in an administrative hearing to determine if the individual is found to be a habitual offender. Habitual offender status drivers are subject to periods of license revocation under Iowa Code section [321.560](#).
- The Department of Transportation (DOT), in cooperation with the Department of Public Safety (DPS), will establish an educational program to foster compliance with the proposed Bill.

Background

Current law prohibits the use of a hand-held electronic communication device to write, send, or read a text message while operating a motor vehicle. Per Iowa Code section [321.276\(5\)](#), this offense is considered a secondary offense, and may not be the sole reason for a law enforcement officer to initiate a traffic stop. In FY 2016, 242 drivers were convicted of using an electronic communication device while operating a motor vehicle. The current scheduled fine for a violation of Iowa Code section [321.276](#) is \$30.

Assumptions

- The numbers of convictions for this offense are estimated to increase once it becomes a primary offense.
- The State of Utah enacted a similar law beginning in May 2014. In CY 2016, Utah issued 2,792 convictions for using a hand-held wireless communication device while driving. Utah has 1.9 million drivers. Utah's conviction rate was 145.9 per 100,000 licensed drivers.
- Iowa has 2.2 million drivers. This estimate assumes that Iowa drivers will be convicted at the same rate as Utah drivers, with an estimated 1,600 violations in FY 2018 and 3,200 violations in FY 2019.
- This Bill will be effective July 1, 2017.
- A lag time of six months is assumed from the effective date of the Bill to the date of the first violations collected. The collection rate for scheduled violations is 80.4%.
- Court costs are estimated to be \$60 per violation.

- A 35.0% Criminal Penalty Surcharge is applied to the fine, of which 95.0% is remitted to the State and the remaining 5.0% is remitted to the county or city where the violation occurred. Of the amount remitted to the State, 17.0% is deposited into the Victim Compensation Fund and 83.0% is deposited into the State General Fund.

Correctional Impact

This Bill makes using a hand-held electronic device a primary offense, although the penalty for the offense remains a scheduled fine. Therefore, there is no correctional impact.

Minority Impact

The minority impact of Senate File 407 is unknown. Under current law, Caucasians received 76.0% of tickets, African Americans received 2.5%, Latinos 2.0%, Asians 2.0%, and 17.4% were unknown.

Fiscal Impact

It is estimated that Senate File 407 will increase revenue to the State General Fund, the Victim Compensation Fund, and local jurisdictions. Revenue from the fines levied, court costs, and a portion of the surcharge will go to the General Fund. The table below provides a breakdown of the estimated fiscal impact of Senate File 407.

Senate File 407 Estimated Revenue Increases		
General Fund	FY 2018	FY 2019
Penalty Revenue	\$ 38,592	\$ 77,184
Surcharge Revenue	10,650	21,301
Court Costs	77,184	154,368
Subtotal	\$ 126,426	\$ 252,853
Other		
Victim Comp. Fund	\$ 2,181	\$ 4,363
Local Jurisdiction	675	1,351
Grand Total	\$ 129,283	\$ 258,566

Sources

Criminal and Juvenile Justice Planning
Federal Highway Administration
Utah Courts
LSA Calculations

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
